

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 16854 of 2024

Md. Khalil Son of Late Abdul Monaf, Resident of Village- Badi Digha, P.S- Digha, District- Patna at Present residing at Shiya Masjid Gali, Sabjibag, P.S- Kotwali, P.O.- Bankipur, District- Patna (Retired Driver Bankipur Division, PESU, Patna).

... .. Petitioner/s

Versus

1. The Bihar State Power Holding Company, Vidhut Bahwan, Bailey Road, Patna.
2. The Chairman-Cum Managing Director, the Bihar State Power Holding Company, Vidhut Bahwan, Bailey Road, Patna.
3. The General Manager (H.R. and Adm.) Bihar State Power Holding Company, Vidhut Bahwan, Bailey Road, Patna.
4. The General Manager Cum Chief Engineer, PESU, Bihar State Power Holding Company, Vidhut Bahwan, Bailey Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sachina, Advocate Mr.Naresh Chandra Verma, Advocate
For the Respondent/s	:	Mr.Akhileshwar Singh, Advocate Mr.Venkatesh Kirti, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 30-10-2024 Heard Mr. Sachina along with Mr. Naresh Chandra Verma, learned counsels appearing on behalf of the petitioner and Mr. Akhileshwar Singh along with Mr. Venkatesh Kirti, learned counsels for the State.

2. The petitioner in paragraph no. 1 of the present writ petition has sought *inter alia* following relief(s), which is reproduced hereinafter:-

“i. For issuance of an appropriate writ in the nature of mandamus seeking direction to respondents to implement the judgment/order passed by Hon’ble High Court in CWJC no.4 of 2006,



which has been affirmed in LPA No.1375 of 2013 by this Hon'ble Court vide order dated 12.07.2017 and also in SLP No.(Civil) No.9343 of 2018 by the Hon'ble Supreme Court vide order dated 1.5.2018 with respect to the petitioner who was/is similarly situated vehicle drivers, but by Memo No.960 dated 27.08.2018 and office order No.59 dated 15.01.2021 judgment/order have been implemented upon 44 vehicle drivers and 20 (twenty) vehicle drivers only leaving petitioner who is also entitled for grant of same benefit.

(ii) For issuance of appropriate writ in the nature of mandamus seeking direction to respondents to grant the benefit of pay Scale of Rs.725-1115 with effect from 01.04.1983 and Rs.1400-2450/- w.e.f. 01.01.1986 respectively along with all consequential revised pay Scale as such benefit have been provided to 44 similarly situated persons in view of order passed in CWJC No.4 of 2006, twenty persons in CWJC No.1102 of 2019 but the petitioner has not been granted such benefit and thus discriminated from other persons who had granted such benefits.

(iii) For issuance of any other relief/reliefs as your lordships may deem fit and proper for ends of justice."

3. Learned counsel appearing on behalf of the petitioner informs this Court that the petitioner has already filed representation dated 18.09.2024 for considering his case to be disposed of, in the light of law laid down by the Apex Court in S.L.P. (Civil) No.9343 of 2018.

4. The petitioner has relied upon several decisions of this Court, in which similar directions have been passed and in this regard, the petitioner has annexed order dated 14.02.2019 passed in CWJC No.1102 of 2019, order dated 09.02.2022



passed in CWJC No.7264 of 2021 and order dated 08.09.2023 passed in CWJC no.15199 of 2022 and the similar order passed in CWJC No.4796 of 2024 vide order dated 04.04.2024 by Co-ordinates Benches of this Court and many other orders directing for considering the claim of the petitioner in accordance with law.

5. Considering the aforesaid submissions made on behalf of the petitioner and examining the service particulars of the petitioner, the authority concerned is directed to pass speaking order expeditiously and in case, the petitioner is entitled for any monitory benefit, the same shall be extended to him in accordance with law.

6. With the above observation/direction, the present writ petition stands disposed of.

(Purnendu Singh, J)

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